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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,877	06/25/2003	Henri Rancon	P23812	2250

7055 7590 05/17/2005

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EXAMINER
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KLEBE, GERALD B

ART UNIT	PAPER NUMBER
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3618

DATE MAILED: 05/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/602,877	<b>Applicant(s)</b> RANCON ET AL.	
	<b>Examiner</b> Gerald B. Klebe	<b>Art Unit</b> 3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2005.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) 10, 11, 21 and 22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 12-19 and 23-35 is/are rejected.
- 7) ☒ Claim(s) 9 and 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

*G B Klebe*  
*6 May 2005*

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Amendment*

1. The amendment filed 02/28/2005 under 37 CFR § 1.111 has been entered. Claims 1-35 are pending in the application, new claims 31-35 being added by the amendment. There being no allowable generic claim, claims 10-11, and 21-22 remain withdrawn from further consideration on the merits.

### *Claim Objections - Informalities*

2. Claims 21-22 and 24 are objected-to for the following informalities:

Claims 21 and 22 are identified as “previously presented”; however, each having been withdrawn from consideration as reading upon non-elected species in the previous Office action, they are properly identified as --withdrawn--;

Claim 24 is identified as “previously presented”; but being amended is properly identified as --currently amended--.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-5, 12-16, 23-24, 26-28, and 31-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Ritzinger (US 6189912).

Ritzinger discloses a gliding apparatus (refer Figs 1-3) comprising:

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(re: **claims 1, 12, 23, 24, 26 and 27**) a support surface (Fig 1, item 1); a gliding surface (combination of 5 and 6); the support and gliding surfaces being opposite one to the other providing a spacing therebetween (Refer Figs 3 and 4); (re: **claims 23 and 26**) the support and gliding surfaces substantially having the same length; the support surface being wider than the gliding surface (refer Figs 1 and 2); the support surface extending in a first longitudinal direction to define a first (taken as the front) support surface shovel and in an opposite direction to define a second (taken as the rear) support surface shovel (Fig 3); the gliding surface extending in the first (front) longitudinal direction to define a first (front) gliding surface shovel and in an opposite direction to define a second (rear) gliding surface shovel (Fig 3); and a closed volume demarcated between the support and the gliding surfaces (Fig 4, and refer col 3, lines 25-28); and (re: **the further limitations of claim 24**) where, in transverse cross section, the support surface extends from a first lateral edge (combination of 4 and 7, right and left sides, the first being taken as the left side), through a central portion, to an opposite second lateral edge (the right side) (refer Figs 1 and 2) and, with the gliding surface being supported upon a horizontal surface, the first and second lateral edges are spaced vertically from the gliding surface no less than the central portion of the support surface is spaced vertically from the gliding surface (refer Figs 3 and 4); and (re: **the further limitations of claim 12**) the first support surface shovel being superimposed on the first gliding surface shovel to form a first (front) end portion of the gliding apparatus, and the second support surface shovel being superimposed on the second gliding surface shovel to form a second (rear) end portion of the gliding apparatus (refer Fig 3), and the support surface having opposed lateral edges projecting transversely beyond the gliding surface (refer Figs 2 and 4, the combination of items 4 and 7); and (re: **the further limitations**

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**of claim 1)** the first support surface shovel being superimposed on the first gliding surface shovel to form a first (front) end portion of the gliding apparatus, and the second support surface shovel being superimposed on the second gliding surface shovel to form a second (rear) end portion of the gliding apparatus; and wherein,

**(re: claims 2 and 13)** a first (taken as the left side; refer Fig 2, combination of 4 and 7) lateral side edge connects a first edge (6) of the gliding surface (combination of 5 and 6) to a connecting surface of the support surface and the second (taken as the right side) lateral side edge connects a second edge of the gliding surface to the connecting surface of the support surface; and **(re: the further limitations of claim 13)** wherein a first (front) shovel of the support surface and a first shovel of the gliding surface meet; and a second (rear) surface of the support surface and a second shovel of the gliding surface meet; and wherein,

**(re: claims 31, 32, 33, and 34)** each of the first (front) and second (rear) support surface shovels comprises a continuous surface from a first (left) lateral edge, through a central longitudinal vertical plane of the apparatus, to a second (right) lateral edge; and wherein,

**(re: claims 5 and 16)** a support cover (Fig 5, items 11) is affixed to a top of the support surface; and wherein,

**(re: claims 29 and 30)** the gliding surface (combination of 5 and 6) comprises a first longitudinally extending lateral edge (taken as the left side edge 6; refer Fig 2), a second longitudinally extending lateral edge (taken as the right side edge 6), and first and second ends connecting the first and second longitudinally extending lateral edges (not separately numbered, but it is clear from Fig 2 that the left and right side longitudinal edges 6 of the gliding surface are connected at each of their front and rear ends, the ends being part of the apparatus itself), the

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lateral edges and ends defining a perimeter of the gliding surface; and wherein the support surface (1) comprises a first (taken as the left side edge) longitudinally extending lateral edge, a second (taken as the right side edge) longitudinally extending lateral edge, and first (front) and second (rear) ends connecting the first and second longitudinally extending lateral support surface edges (not separately numbered but it is clear from Fig 2 that the left and right sides of the support surface come together across the rear of the apparatus itself), the lateral support surface edges and the support surface ends defining a perimeter of the support surface; and wherein,

(re: claim 28) the support surface (1) has opposed lateral edges (Fig 2, combination 4 and 7 at left and right sides) projecting transversely beyond the gliding surface (Fig 2, combination 5 and 6 at left and right sides); and wherein,

(re: claims 3 and 14) the first support surface shovel is tangent with and coupled to the first gliding surface shovel and the second support surface shovel is tangent with and coupled to the second gliding surface shovel( refer Fig 3); and wherein,

(re: claims 4 and 15) each of the shovels has a curved portion having a center of curvature on the side of a top of the support surface (refer Fig 3).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 6-8 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ritzinger (US 6189912) in view of Wolf (US 6290249).

As discussed above, Ritzinger discloses all of the features of claim 1 from which claims 6-8 depend and all of the features of claim 12 from which claims 17-19 depend.

Ritzinger's gliding surface has a single central groove extending longitudinally and lacks explicit disclosure of grooves on the sides of the gliding surface.

However, Wolf teaches a gliding apparatus having a bottom gliding surface wherein (**re: claims 6 and 17**) longitudinal grooves are provided on the sides of the bottom of the gliding surface (refer Figs 1-6); and wherein (**re: claims 7 and 18**) the grooves extend both along a central portion and partially at least along the shovels of the gliding surface (refer Fig 4); and wherein (**re: claims 8 and 19**) the longitudinal grooves are constituted by three grooves at each side (refer Fig 3).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the instant invention was made to have modified the gliding surface of the apparatus of Ritzinger in accordance with the teachings of Wolf in order to enhance the ability to carve turns and slaloms when snowboarding on packed snow surfaces.

7. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ritzinger (US 6189912) in view of Nyman (US 5462304).

As discussed above, Ritzinger discloses all of the features of claim 24 from which claim 25 depends.

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Ritzinger's support surface is "flat" resulting in the effect that the first and second lateral edges are spaced vertically a same distance from the gliding surface as is the central portion of the support surface.

However, Nyman teaches a gliding apparatus in which (**re: claim 25**), in a transverse section, the support surface is concave upward, so that with the gliding surface being supported upon a horizontal surface, the first (taken as left side) and second (taken as right side) lateral edges are spaced vertically from the gliding surface a distance greater than is the central portion of the support surface.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the instant invention was made to have modified the support surface of the disclosed apparatus of Ritzinger to be concave upwardly in its transverse section in accordance with the teachings of Nyman in order to afford the apparatus with elevated outside edges for increased carving and turning power as suggested by the reference (refer to the Abstract).

8. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ritzinger (US 6189912) in view of Remondet (US 5018760).

As discussed above, Ritzinger discloses all of the features of claim 12 from which claim 35 depends.

Ritzinger is silent regarding the relative width of the gliding surface and the support surface.

However, Remondet teaches a gliding apparatus wherein between the front and rear contact lines of the apparatus the gliding surface has a width of more than half a width of the support surface.



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Therefore it would have been obvious to one of ordinary skill in the art at the time the instant invention was made to have modified the width of gliding surface of Ritzinger between the front and rear contact lines to be more than half a width of the support surface in accordance with the teachings of Remondet in order to improve the stability of the board in order to provide a snowboard that is easier for the novice to control when initiating turns as suggested by the reference at column 1, lines 39-40.

***Allowable Subject Matter***

9. Claims 9 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

10. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

***Prior Art made of Record***

11. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. The prior art of McManus et al., of Langford et al., of Deborde et al., of Servant, of Vance, of Karlsen, of Weinhaus, of DePauw, and of Dahl each show features in common with some of the other structures of the inventive concept disclosed in the instant application.

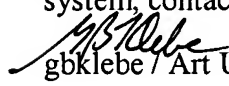
***Conclusion***

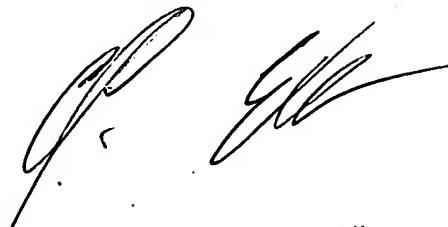
12. Any inquiry concerning this or earlier communication(s) from the examiner should be directed to Gerald B. Klebe at 571-272-6695; Mon.-Fri., 8:00 AM - 4:30 PM ET, or to Supervisory Patent Examiner Christopher P. Ellis, Art Unit 3618, at 571-272-6914.

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Official correspondence should be sent to the following TC 3600 Official Rightfax numbers as follows: Regular correspondence: 703-872-9326; After Finals: 703-872-9327; Customer Service: 703-872-9325.

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gbklebe / Art Unit 3618 / 6 May 2005

  
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